

## Rebel Governance and the Politics of Civil War

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# Working Paper

## Rebel Governance and the Politics of Civil War

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<u>Abstract</u>	05
1 <u>Introduction</u>	06
2 <u>Statebuilding and Peacebuilding</u>	08
3 <u>Rebels – From Rogues to Rulers?</u>	10
4 <u>Inside Rebel Governance</u>	13
4.1 Organizational structure and resources	14
4.2 Degrees of territorial control and violence	15
5 <u>Accounting for Variations in Rebel Governance</u>	17
5.1 Rebels as state builders?	17
5.2 From rebel groups to political parties?	18
5.3 Beyond formal structures: the relationship with civilians	20
6 <u>Conclusions</u>	23
<u>About the Authors</u>	25
<u>References</u>	26
<u>About swisspeace</u>	32



# Abstract

Dominant narratives and theories developed at the turn of the 21st century in order to account for civil wars in Africa converged around the idea that this upsurge in violence was linked to state failure or decay. Violent conflict thus came to be seen as the expression of the weakness, disintegration and collapse of political institutions in the post-colonial world, and guerrilla movements, once viewed as the ideological armed wings of Cold War contenders, as roving bandits interested in plundering the spoils left by decaying states. Recent research has however shown that, against the reductionism that underlay such accounts, we need to move beyond the search for the motives that bring rebels and rebel movement to wage war against the established order and look into the (micro-)politics of civil war. Indeed, civil wars do not simply destroy political orders. They contribute to shaping and producing them. Civil wars, in other words, are part and parcel of processes of state formation.

This working paper looks at state formation through violent conflict. It focuses on political orders put in place by rebel movements, on their strategy to legitimise their very existence as movements and their claim to power, and on the extent to which they strive and manage to institutionalise their military power and transform it into political domination. It discusses some of the recent literature on the topic and offers some avenues of new research on the complex interplay between civil wars and state formation. It concentrates on the manner in which statehood, understood as a historical and constantly changing process of institutionalization of power relations, is 'negotiated' during and after conflict. It is this 'negotiation' that will allow scholars to better understand what "legitimate institutions" are and how they are shaped by and through civil wars.

# 1

## Introduction

The end of the Cold War brought strong hopes that a more peaceful future was at hand, but they were rapidly shattered by an upsurge in civil wars and apparently meaningless brutality that ravaged many parts of the world in the 1990s. A number of new narratives and theories of conflict developed towards the end of the decade in order to account for these trends. Beyond their obvious diversity, these narratives converged around two ideas. First was the contention that the increase in civil wars across the globe – particularly visible in the 1990s in large parts of Africa and, to a lesser extent, in South Asia and Central Europe – was linked to state failure or decay. Violent conflict thus came to be seen as the expression of the weakness, disintegration and collapse of political institutions in the post-colonial world. Second, guerrilla movements, once viewed as the ideological armed wings of Cold War contenders, were then seen as roving bandits interested in plundering the spoils left by decaying states, and their motives as primarily, if not only, economic or personal rather than political (Collier & Hoeffler, 1999; Kaldor, 1999; Zartman, 1995).

However, recent research has challenged the reductionism that underlay such accounts by looking into the day-to-day politics of civil war, thus moving beyond the search for the motives that bring rebels and rebel movement to wage war against the established order. Indeed, civil wars, while being the cause of immense suffering on the part of civilian populations, do not simply destroy political orders; they contribute to shaping and producing them (Arjona, 2009; Kalyvas, 2006). Violent conflict is, in other words, part and parcel of historical processes of state formation. Thus, if we are to understand how stable political institutions can be built in the aftermath of civil war, it is essential to study the institutions that regulate political life *during* conflict. This implies a need to not only look at how (and if) state institutions survive once war has broken out, but also to take into account the institutions put in place in areas beyond the control of the state.

War making since the end of the Cold War has not followed a single and uniform pattern and the reasons why groups or movements have decided to take up arms against the established order are extremely varied. One striking commonality across many civil wars, however, is the fact that rebel movements exert control over sometimes vast portions of a country's territory over periods of time that can go from months to decades. Rebel movements represent the *de facto* public authority in the areas under their control and they perform acts of governance in the new 'order' they establish. Therefore, they need to be viewed not simply through the lens of their military strength, capacities and activities, but also as political actors exerting power over civilian populations. It is imperative to understand the "(micro)politics of armed groups" (Schlichte, 2009) or what is increasingly referred to in the literature as 'rebel governance' (Arjona, 2008; Huang, 2012; Mampilly, 2011). This is all the more significant as "even in zones of civil war and widespread brawling, most people most of the time are interacting in nonviolent ways" (Tilly, 2003, p. 12). In other words, there is (social) life beyond the logics of

weapons and war-induced violence, and rulers, be they ‘rebel’ or ‘state representatives’, have an important role to play in the regulation of this (social) life.

However, the relation of rebel movements to civilian order and governance is anything but straightforward. Rebels are confronted with a dilemma: violence, or rather the ability to turn to warfare, serves as a means to address grievances and thus legitimizes their actions. At the same time, the use of violence also has delegitimizing effects for rebels. It casts what Schlichte calls a “shadow” of suffering and destruction upon the very population whose interests they claim to defend. To mitigate these potentially delegitimizing effects, they need to “transform the power of violence into legitimate domination” (Schlichte, 2009). The “success” of rebels in other words depends on their ability to “rule” (Mampilly, 2011) and be granted recognition as legitimate rulers by the population under their control. So does their ability to transform into political actors after the end of a violent conflict (Zeeuw, 2008). Variations in the shape of state institutions in a post-war setting depend on the kind of relations that were developed between (rebel) rulers and ‘their’ population during war (Huang, 2012).

This working paper discusses some of the recent literature on the topic of governance during civil wars and offers some avenues of new research on the complex interplay between civil wars and state formation. It concentrates on the manner in which statehood, understood as a historical and constantly changing process of institutionalization of power relations, is ‘negotiated’ (Hagmann & Péclard, 2010) during and after conflict. It is this ‘negotiation’ that will allow scholars to better understand what ‘legitimate institutions’ are and how they are shaped by and through civil wars. In order to lay out the backdrop of our reflection on the contribution of civil wars to state formation, we first review recent debates on the links between statebuilding and peacebuilding (chapter 2) as well as on the rise of rebel movements in the post-Cold War period (chapter 3). Chapter 4 presents and discusses the different meanings and dimensions of ‘rebel governance’, while chapter 5 explains variations between rebel movements and their institutionalization. The conclusions in chapter 6 lay out some areas for further research.



# Statebuilding and Peacebuilding

The links between statebuilding and peacebuilding have attracted renewed attention from scholars and policymakers in the last few years.<sup>1</sup> The publication of the 1992 *Agenda for Peace* by the then UN Secretary-General Boutros Boutros-Ghali was a milestone in the establishment of peacebuilding as a methodology to achieve peace. Throughout much of the 1990s, peacebuilding was developed as a set of technical solutions giving little attention to the historical specificities of each conflict (Paris 2004; Newman, Paris, and Richmond 2009). However, this approach offered no reflection on what peace and conflict actually meant and instead reproduced a number of “peace orthodoxies”, thus contributing to the “bureaucratisation” of peace (Goetschel and Hagmann 2009) rather than providing an understanding for the deeply political nature of the search for peace and political stability (Chandler 2006; Duffield 2001). It treated “peace as an uncontroversial, ahistoric ‘end’, and peacebuilding as the means to get there” (Curtis 2012, 9). By promoting political and economic liberalisation without taking into account the institutional, political and social context within which these reforms were to take place, it also risked leading to further insecurity or even fuelling renewed conflict (Paris 2004; Paris and Sisk 2008). This prompted the realisation that legitimate and well-functioning institutions are actually crucial to the success of peacebuilding and that therefore statebuilding is an essential precondition to lasting peace (Rocha Menocal 2011).

Yet, definitions of statebuilding and peacebuilding vary greatly, and how exactly they relate is still very much an object of debate. As several authors point out, the two agendas are potentially contradictory (Rocha Menocal 2011; Paris and Sisk 2008; Call and Cousens 2008), and bringing them together is not in itself a guarantee of a lasting peace. Besides, the literature (both academic and policy-oriented) on the peacebuilding-statebuilding nexus still largely relies on a “blank slate” approach (Cramer 2006), that is on the idea that there is a clear historical discontinuity between war and peace. Therefore, war as an object of research and conceptual reflection has been somewhat neglected in the peacebuilding literature. This is in particular the case for research on rebel governance, which is still largely absent from current discussions on the role of statebuilding and on achieving lasting peace and political stability after civil wars. Indeed, critics of the liberal peacebuilding model have so far focused on the dangers of a ‘toolkit’ approach to peacebuilding (Newman, Paris, and Richmond 2009; Paris 2004), on the neo-imperialism implicit in international interventionism (Chandler 2006), on the contradictions between statebuilding and peacebuilding (Rocha Menocal 2011) or on the need to take into account local actors and values in peacebuilding interventions (Paris and Sisk 2008). But so far very little research has been produced on how relations and institutions of governance developed under rebel rule fit into long-term dynamics of state formation through armed conflict.

Moreover, much of the literature on the peacebuilding-statebuilding nexus still relies on a normative and prescriptive concept of states as structures rather than processes, and on the idea that states are the product of conscious policies aimed at constructing the institutional infrastructure of

<sup>1</sup> See for instance (Call 2008a; Rocha Menocal 2011; Paris and Sisk 2008; Roberts 2008).

governance rather than historical formations. We argue that states cannot be engineered. They are the results of long-lasting historical processes including phases of violence. We refer here to the distinction introduced by Berman and Lonsdale (1992, 5) between *statebuilding*, defined as “a conscious effort of creating an apparatus of control”, and *state formation*, defined as “an historical process whose outcome is a largely unconscious and contradictory process of conflicts, negotiations and compromises between diverse groups whose self-serving actions and trade-offs constitute the ‘vulgarization’ of power”.

Accordingly, civil wars need to be seen as part and parcel of historical processes of state *formation* and not, as the expression of states’ inability to maintain their monopoly over the use of violence, or as the result of their structural “weakness” (Jackson and Rosberg 1982), their “collapse” (Zartman 1995) and degeneration into nightmarish “shadow” (Reno 2000) or “quasi” (Hopkins 2000; Jackson 1990) states, void of popular legitimacy and administrative capacity.<sup>2</sup> While the literature on state failure rests on a very normative understanding of states (Hill 2005), taking into account the role of rebel governance in state formation allows to look into the “dynamics of states” (Migdal and Schlichte 2005), i.e. the way in which states are the constantly changing product of “negotiations” (Hagmann and Péclard 2010) between state and non-state actors involved in the institutionalisation of power relations (Lund 2006) - during and after civil wars. Such a bottom-up approach to statehood provides for a better understanding of “legitimate institutions” and their formation.

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2 For critical perspectives on the failed states model see Call, 2008; Hagmann & Hoehne, 2009; Hill, 2005; Menkhaus, 2007.

# Rebels – From Rogues to Rulers?

Why do rebels fight? In the last 20 years, especially after the upsurge in civil wars that followed the end of the Cold War, the origins of these conflicts have been a constant object of debate and controversies. Theories about state failure in Africa and other parts of the Global South (Bates, 2008; Milliken & Krause, 2002; Rotberg, 2004) have formed the backbone of these debates. Civil wars, so the argument goes, were either the expression of states' inability to maintain their monopoly over the use of violence or the result of their structural "weakness" (Jackson & Rosberg, 1982), their "collapse" (Zartman, 1995) and degeneration into nightmarish "shadow" (Reno, 2000) or "quasi" (Hopkins, 2000; Jackson, 1990) states, void of popular legitimacy and administrative capacity.

The search for the origins of civil wars in the post-Cold War era centred on the motivations that led so-called 'rebels' to take up arms against the state and attempt to subvert the established order by violent means. Until the end of the Cold War, it is the logics of the East-West confrontation itself and the proxy-wars it generated that were put forward as the main reason for protracted fighting in parts of Latin America, Africa and Asia. As a new wave of civil wars swept through large parts of Africa, the focus shifted from this primarily political perspective to an increasingly 'de-politicized' view. Thus, US journalist Robert Kaplan suggested in a 1994 article which became widely influential in policy and academic circles that: "West Africa [was] becoming the symbol of worldwide demographic, environmental, and societal stress", concluding in a typically neo-Malthusian fashion that "scarcity, crime, overpopulation, tribalism and disease" were "rapidly destroying the social fabric of our planet", making what he called the "coming anarchy" unavoidable (Kaplan, 1994). In this new context, war, in other words, was no longer 'politics by other means', but the result of a global disorder revealed by the end of the Cold War.

In an academically much more subtle and complex manner, Mary Kaldor also argued that the nature of warfare had fundamentally changed in the wake of the fall of the Berlin Wall with her distinction between "old" and "new" wars (Kaldor, 1999). The distinction rested on three elements: (1) while "old wars" were fought with or alongside the people in defence of clearly articulated political projects sustained by identifiable ideologies, the "new wars" of the 1990s were fought against the people; (2) the mobilization of economic resources, in particular raw materials, shifted from being a means to an end (sustaining the war effort) to an end in itself, epitomized by the figure of the warlord (Reno, 1998) motivated by self-interest and personal wealth and power accumulation; (3) identity politics, finally, served as a substitute for the absence of a political project to mobilize the people (Kaldor, 1999)<sup>3</sup> and, especially in the wake of the Rwandan genocide, ethnicity was seen to provide an explanatory grid for seemingly endless conflict (Gurr and Harff, 1994).

The abundance of natural resources such as oil or diamonds (Le Billon, 2001; 2005) as well as the growing scarcity of other natural resources such as land and water (Goetschel and Péclard, 2011; Homer-Dixon, 1994) were also drawn in as main explanatory factors, as the balance of arguments gradually

3 For a critical appraisal of Kaldor's distinction between 'old' and 'new' wars, see (Kalyvas 2001).

shifted in favor of an economist approach. In this line of argument, the “greed” of rebel leaders in search of economic and political power was far more important a variable in explaining rebels’ motives and behavior than political “grievances” (Collier, 2000; Collier and Hoeffler, 2004). While economic approaches rightly pointed to the interconnections between the availability of (lootable) natural resources and the occurrence of conflict, the “greed vs. grievances” model has been widely criticised for its methodological and conceptual flaws (Marchal and Messiant, 2002), for its economic reductionism (Cramer, 2006; Duffield, 2001; Francis, 2006; Richards and Helander, 2005) and for failing to see rebels and insurgents as anything else than simple “bandits devoid of any political agenda” (Bøås and Dunn, 2007, 1).

It is the very idea of warfare as a political project that was put into question in mainstream research on civil wars in the post-Cold War era. Debates following 9/11 and the ‘war against terror’ further reinforced such perspectives, adding a new political twist as rebels were increasingly labelled as ‘terrorists’. As Paul Richards put it, the main problem with such arguments is that they “serve to set up a dichotomy between war as some kind of inherent ‘bad’ (the world ruled by instincts and base desire), and peace as an ideal ‘good’ (the world ruled by principle and law). With this kind of approach war itself becomes the enemy – indeed, the common enemy of human kind” (Richards and Helander 2005: 3). Moreover, war is taken out of its social context, away from the historical, cultural, religious, and political element that, if properly analyzed, would in fact contribute to giving it meaning. “War is foregrounded as a ‘thing in itself’ and not [...] one social project among many competing social projects” (ibid.). Rather than opposing war and peace, then, it is more fruitful, sociologically speaking, to focus on the continuities from the one to the other in order to pay due attention to the governance patterns that emerge “between war and peace” (Arnaut and Højbjerg, 2008), or, to use Marielle Debos’ phrase, at “the government of the inter-war” (Debos, 2013).

In recent years, the debate on civil wars has moved from the quest for rebels’ motives and for the origins of violence to a thorough analysis of the political dimensions of life *during* civil war (Arnaut & Højbjerg, 2008). In particular, this literature discusses the way in which rebels organize and regulate social life in the territories that come under their control in the course of conflict and how this relates to state formation processes. Behind this move toward studying rebels as ‘rulers’ is a reflection about the use of coercion and the social construction of legitimacy. Mampilly argues that the most important challenge for insurgency is how to resist the “brutal efficiency of coercive tools if they hope to mobilize civilians behind their cause” (Mampilly, 2011: 50; Schlichte, 2009).

With this new body of literature, we now have a far better understanding of the organisational structures of (rebel) armed groups (Weinstein, 2007), of the emergence of alternative forms of social order in war-affected zones (Arjona, 2009; Kasfir, 2005; Mampilly, 2011) and the conditions of collective action (Wood, 2003), as well as of the relationships between territorial control

and the use of violence (Kalyvas, 2006). Taken together, and beyond their obvious diversity, these studies build a new, ‘re-politicised’ narrative of state-society relations in rebel-held territories. They also offer new interrogations on the continuities between war and peace (Manning, 2007; Müller, 2012; Zeeuw, 2008) and thereby contribute to a better understanding of state-building in post-conflict contexts, since “variation in post-war regimes has wartime origins” (Huang, 2012: 3).

But what exactly is ‘rebel governance’? Do all rebel groups establish sophisticated institutions of social and political regulation? If not, how can we account for the differences between various rebel movements? What is rebels’ claim to legitimacy built on? What kind of correlation is there between rebel governance and their post-war (in)stability? And how does rebel governance relate to long-term processes of state formation through war? This working paper discusses some of the theoretical dimensions of rebel governance while exploring in what ways and to what extent rebel groups establish institutions of social and political regulation. After a brief discussion of what defines rebel governance, the next section turns to the importance of resources in shaping relations between rebel movements and civilians, as well as to the link between violence and territorial control.

## Inside Rebel Governance

Rebel organizations can be defined as groups whose members are “engaged in protracted violence with the intention of gaining undisputed political control over all or a portion of a pre-existing state’s territory” (Kasfir, 2008: 4). Among the definitions of rebel governance, that of Huang (2012: 8): “a political strategy of rebellion in which rebels forge and manage relations with civilians – across civil wars”, is well suited to the purpose of this paper, due to its encompassing character and its emphasis on the political dimension. Kasfir (2002: 4) applies the term governance to “the range of possibilities for organization, authority, and responsiveness created between guerrillas and civilians”, and Mampilly (2011: 4) adds “a ‘governance system’ refers not only the structures that provide certain public goods but also the practices of rule insurgents adopt”. While for some authors governance involves little or no use of violence against civilians, for others governance can only coexist with violence.

A variety of criteria must be met in order for rebel governance to occur. According to Kasfir (2008: 4) guerrilla governments can only exist if the rebel organization gains control over a territory that contains civilians, and decides to create or encourage civilian structures. Therefore, to engage in guerrilla governance, i) a rebel organization must gain control within the state against which it is rebelling; ii) civilians must reside in that area; iii) there must be at least initial violence if not continuing violence; iv) the guerrilla must be free from external control (Kasfir, 2008: 4-5). This makes explicit that not all rebel organizations engage in governance-like practices. Within those groups that do implement structures, there are wide variations in the extent to which each one engages in wartime ‘state-building’, with a political objective. The provision of security to the civilian population the “establishment of a police force followed by the development of a broader legal mechanism, either informal or formal, is the highest priority for any leadership and is often the key determinant as to whether the rebel group is able to make the transition from a roving insurgency to a stationary one” (Mampilly, 2011: 63). But insurgents can also respond to other demands and expectations from civilian population such as providing education and health services, establishing a system of food production and distribution, allocating land or providing shelter, as well as controlling certain borders and operating a parallel system of cross-border trade control (Raeymaekers, 2011).

Following Mampilly (2011: 17), we can sum up the main conditions for effective rebel governance as follows: i) a force capable of policing the population; ii) dispute resolution mechanism; iii) capacity to provide other public goods beyond security; iv) feedback mechanisms to foster civilian participation in governmental issues. There are also instrumental assertions of power such as norms, values, practices, beliefs, which are all key to the construction of sovereignty. Rebels sometimes go to great lengths to project their symbolic power: official flags and mottos, printing of a national currency (SPLM in Sudan), national anthems. There are however great variations between insurgent groups: “rebel leaders may adopt a variety of approaches in their engagement with civilians, ranging from those that choose to issue

directives unilaterally – adopting autocratic practices in their interactions with civilians – to those that seek to provide civilians and other actors an opportunity to participate in the decision making process” (ibid.).

## 4.1 Organizational structure and resources

Weinstein (2007) was one of the first authors to look into the political organization of rebel groups, analyzing how resource endowment (natural resources, external assistance, protection or ransom payments) shapes civilian governance. Drawing primarily on case studies of wars in Uganda, Mozambique, and Peru, he distinguishes between ‘resource-rich’ insurgents who are able to have access to resources immediately and who can rapidly finance themselves and pay their recruits (opportunistic groups), and ‘resource-poor’ insurgents who do not have immediate access to such wealth, leading them to cultivate ‘social endowments’, ethnic, religious or ideological identities, and mobilize interpersonal networks (activist groups) (Ibid: 47-49). In turn, this shapes the guerrilla’s organization: resource-rich leaders will have short-term horizons, undisciplined recruits and more violent, abusive relations with civilians (e.g. in the vocabulary of Collier of greed over grievance); resource-poor leaders will build a closer, more political relationship with their recruits and the civilian population in their area, more easily gain their trust, and are more likely to ask civilians to participate in the organization (e.g. grievance over greed). In short, “differences in how rebel groups employ violence are a consequence of initial conditions that leaders confront” (Ibid: 7).

While Weinstein’s analysis had the merit to take the discussion on the links between natural resources and conflict beyond the simplifications of the greed vs. grievances model, it however raises questions that are left unaddressed and that could be refined. For example, by focusing on economics or rational choice arguments, he dismisses the ideological and social dimensions of the insurgencies. Kasfir argues on his part that “social endowments, that is, norms and networks, are always available in resource-rich countries and leaders may depend on them to meet their objectives even when they have easy access to material rewards” (2008: 19). Mampilly adds that the distinction between opportunistic and activist insurgencies “does not hold” as indeed “rebellions have a wide variety of viable funding sources and demonstrate considerable dexterity in switching between available options. [...] Trying to determine the relative influence of a particular funding source is also challenging because of the difficulty of gathering hard data on the real sources of rebel finance” (2011: 14-15). Additionally, the ‘fast-mover’ argument which states that economic incentives are quicker to mobilize individuals than ideological and ethnic identities, is contested.

Further, Weinstein does not address the effect of participation on the social interactions between recruits: “once particular insurgencies attract distinct types of recruits, the process of insurgent collective action seems to have little effect” (Tarrow 2007: 591). Nor does he take into account the

response of the civilian population, who can for example respond to violence by creating their own militias. Huang (2012: 85) also states that “across all civil wars extensive rebel state-building has been more the exception than the norm”. Likewise, ‘rebel governments’, as defined by Weinstein, have seldom been established. Most rebels either do not seek, or fail to achieve, elaborate state-building, and yet manage to wage war and generate significant casualties.

## 4.2 Degrees of territorial control and violence

In the same way that Weinstein’s study goes beyond the greed and grievance debate by differentiating between different insurgent organizations, Kalyvas analyzes the degree of rebel control over territory and the manner in which this impacts on their use of violence.

The question of violence is of central concern when studying civil wars, and Kalyvas (2006) proposes an explanation as to its variation. He differentiates civil war and civil war violence by distinguishing “between violence as an outcome and violence as a process” (Ibid: 21). This is different from most studies that view violence as an outcome of civil war. Indeed, Kalyvas considers violence to be a dependent variable. He argues that the degree of territorial control of insurgencies determines the nature of their relations with civilians, and distinguishes between: total incumbent control, dominant incumbent control, contested control, dominant insurgent control and total insurgent control. Kalyvas argues that rebel organizations have but two options when it comes to violence: selective violence and indiscriminate violence, the latter being “a way to come to grips with the identification problem” (allegiances), meaning that it will take place “where and when resources and information are low” (Ibid: 147), in order to shape civilian behavior “indirectly through association” (Ibid: 150). Accordingly, indiscriminate violence cannot induce obedience and may be counterproductive, while selective violence may create an awareness of political actors sanctioning behavior.

Wood also focuses on violence in her research on insurgencies: her first book, *Forging Democracy from Below: Insurgent Transitions in South Africa and El Salvador* (2000) shows how democratic transitions are driven by collective action from below, and her second, *Insurgent Collective Action and Civil War in El Salvador* (2003) explains how such action continued in the face of state violence. In El Salvador, she realized that no classic economic or social measures could have foreseen which areas supported guerrillas, which remained neutral, and which supported the government. She argues, “an emergent insurgent political culture was key to the generation and sustaining of the insurgency despite its high costs” (Ibid: 225). In a contested territory, the state may choose to appeal to the population by adopting persuasive techniques, but in areas of insurgent control the sovereign power often



chooses to engage with civilians through violence. Wood shows that the repression of legitimate grievances leads civilians to support insurgencies, in particular when violence is used indiscriminately.

The scholars we have focused on in this section face a common problem, as do most scholars in the post-Collier literature: they give a central place to financial strategies and violence, and “tend to distill the nature of a highly complex political organization into its most gasp inducing components, lending credence to those who view all non-state armed groups as analogous to criminal organizations [...] recruitment and violence do not provide much insight into the broader set of interactions that violent organizations engage in with local communities” (Mampilly, 2011: 6). They additionally do not account for the variations that exist between insurgencies, take a top down approach and give the impression that rebellions are unable to depart from the path they started on. Other scholars however have chosen to emphasize precisely these discrepancies and attempt to explain why the trajectories of armed groups are so different. It is to this body of work that this paper now turns.

# Accounting for Variations in Rebel Governance

Scholars have explained the variation between the different systems of rebel organizations and trajectories according to different variables. Some use dichotomies: Olson (1993) distinguishes between roving vs. stationary bandits, and Metelits (2009) between the provision of public goods by rebels and coercion. Others take into account more than two dimensions. For example, Kasfir (2005) writes about the degree to which rebels support civilian participation, what forms of civilian administration they put in place and their use of civilians to get high value goods or services, whilst Mampilly (2011) identifies different levels of effective civil administration structures put in place by rebel organizations (ranging from low to moderate to high), based on three case studies: the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka (highly effective), the Sudan People's Liberation Movement/Army (SPLM/A) in Sudan (partially effective) and the Rassemblement Congolais pour la Démocratie (RCD) in the Democratic Republic of Congo (ineffective). For Mampilly “variation in civilian governance provision by insurgents emerges from a combination of the initial preferences of rebel leaders and the interaction of insurgent organizations with a variety of other social and political actors active during the conflict itself. As a result, governance is, by nature, an evolutionary process in which the outcome cannot be predicted by a single variable” (2011: 15-16).

Some researchers have also developed different typologies of rebel organizations: Clapham (1998) develops four broad categories: liberation insurgencies, separatist insurgencies, reform insurgencies and warlord insurgencies. Weinstein (2007) identifies four types of rebel groups, differentiated according to how democratic their government is in terms of power-sharing and inclusiveness: unilateral military and participatory, unilateral military and non-participatory, joint military-civilian and non-participatory and joint military-civilian and participatory. Arjona (2009) focuses on the notion of social order and bases this on two dimensions: whether an underlying contract between the group and the population exists, and if it does, what the level of the insurgent's intervention in civilian affairs is. In doing so she identifies three types: domination (no social contract exists), surveillance (the contract exists but the group intervenes little) and “rebelocracy” (the contract exists and the rebel group's intervention is broad). The following subsections will develop the analysis and the limits of several of these theories in more detail.

## 5.1 Rebels as state builders?

Among the set of studies that have taken a more politically oriented approach, Olson (1993) is one of the pioneers who associates rebel organizations with embryonic states. Even though his study highlights the economic rewards (taxation systems) which rebels gain by deciding to move from being ‘roving bandits’ to ‘stationary bandits’, he also draws an interesting parallel with state formation. According to this perspective, only by replacing some of the functions of the nation-state will an insurgency be able to obtain support for

its political authority, hence achieving one form of legitimacy. Despite the relationship between rebels and civilians certainly extending beyond mere economic needs (as discussed above), and even though Olson's analysis was shaped in a different landscape than that of the current more globalized era, his concept of a stationary bandit is taken as a starting point to define rebel governance by almost all scholars.

Several authors indeed draw parallels between the performance and governmental-like functions provided by rebel groups and the origin of the bureaucratic state (Kasfir, 2002; Tull, 2005; Kingston and Spears, 2004): "using a related politico-economic logic but positing it instead as driving a telos in the process of consecration are those that adapt the state-formation models of Charles Tilly (1990) and Mancur Olson (1993) to contemporary violent actors" (Mampilly, 2011: 31). These authors argue that rebel groups replicate steps that lead to the rise of nation states. This model is based on the idea that 'state-building rebels' become wartime 'democrats' for economic reasons, and that by the time the war has ended, rebels have developed representative institutions, created a support-base and gained legitimacy among the population living in the territory they control. This is a "banditry model of state formation" (Mampilly, 2011: 31). Kingston and Spears (2004) even use the terminology of "states within states", while others speak of "quasi states" (despite lacking juridical recognition, these systems are in fact a replica of the sovereign state).

The theory that rebel groups embark on a trajectory towards statehood however has its limits. This approach has contributed to creating a rather state-centric analysis, where the idea of the 'state' is the model and basis with which to compare rebel organizational structures; thereby initiating a tendency to view insurgents as types of state-*builders*. This often leads to an oversimplified and normative dichotomy between those rebel organizations associated with embryonic states structures and rebel organizations viewed as warlords who do not engage in state building. Additionally, scholars adopting such a view often see a state where it does not exist: as Mampilly perceptively notes, "conflating rebel governance with state order forces analysts to awkwardly transpose the state-formation framework onto an actor that actively resists the state's attempts to project order within its ascribed territory [...] What is really an issue with rebel governance is not state formation but rather the formation of a political order outside and against the state" (2011: 36). Thus, one cannot apply a predefined model of *state formation* onto a dynamic contemporary process of *insurgent governance* (2011: 27). Mampilly claims that it is more interesting to examine the limits of this analogy and prefers to view rebels as "counter-state sovereigns".

## 5.2 From rebel groups to political parties?

If one assumes that rebel governance shapes social processes such as activism and political organization (Wood 2003), it can also be expected that rebels shape post-war dynamics. Different types of political parties take

shape in contexts of transition from war to peace, including parties coming from former armed movements (e.g. Farabundo Martí National Liberation Front in El Salvador, RENAMO (Mozambique National Resistance) in Mozambique, the Rwandan Patriotic Front or Sudan People's Liberation Movement/Army in South Sudan). The way in which former armed actors participate in post conflict governance is actually seen as a key factor in the success or failure of peace building. Most of the literature on peacekeeping and post-conflict reconstruction has studied governance by former rebel groups once they have achieved power, but has not taken into account the relevance of studying rebel groups during civil war.

This is a further reason why studying governance processes and patterns during civil wars is so important. Indeed, whether or not former armed rebel movements are successful in their transition to legitimate political parties in a post-civil war context is strongly linked to their ability to construct their legitimacy *during* conflict. Thus, Manning (2007), in her analysis of Bosnia-Herzegovina, Kosovo and Mozambique, focuses on the interaction between the institutional context, the exact nature of the conflict and what internal organizational dynamics are formed during the war. For her, the existing difficulties and challenges to intra-elite relations as well as the strategies developed to obtain a voter base influence how institutions affect party behavior and, ultimately, whether parties choose to adapt or subvert the rule of democracy. In a similar vein, de Zeeuw (2008) in his research argues that a successful conversion from rebel group to party depends on the motivation, structure and leadership of a rebel movement, but can also be influenced by other factors such as the manner in which the conflict was settled (i.e. negotiations or military victory), and the local political and security context. He strives to demonstrate that there is not only one way in which such a transition can take place, but rather to illustrate that it is a complex process with various dimensions. Müller (2012) focuses on the continuity between core features of rebel governments during the war and their politics in resulting states, and the importance of war credentials for legitimizing state ownership. Finally, Huang (2012) focuses on two aspects of rebels' wartime behavior vis-à-vis civilians: the source of rebel income and the extent to which rebel groups engage in wartime state-building, in order to explain the variation of the post-civil war regime outcomes.

As shown by Kasfir (2005), civilians develop their own perception of social order, institutions and the state. His conception of the development of civilian political awareness has been integrated into theories explaining how rebel groups transform into political parties. Huang for example makes a "civilian state-building hypothesis": "when rebels extract widely from civilians for wartime resources, a significant social change takes place: civilians become politically mobilized. Participation in rebellion, whether voluntary or coerced, provides civilians with new information on their political rights, on the ways the state is purportedly impinging those rights, and on the availability of alternatives to the status quo; it also makes those alternatives appear to be within reach, creating expectations of radical breaks with the

autocratic past in a new postwar regime” (Huang, 2012: 9). She argues that those organizations which have popular support and which have engaged in state building are more likely to transform into legitimate popular parties in the aftermath of civil war. Indeed, the existence of rebel governance in the course of the civil war has an impact on their legitimacy at the local level, and the programs they can develop in order to aid reconstruction, reconciliation and reintegration. The establishment of governance during war also has an impact on the experience, capacity and wish of insurgents to engage in politics after the end of the war.

The internal structure of rebel movements also plays a role, and there is a debate regarding whether the organization of a former insurgency, or its leadership, determines if and how the group becomes a political party. Manning (2007) shows the relevance of relations between the institutional context and internal organizational dynamics within rebel groups. According to her the issue of securing loyalty among civilians has an influence on how the institutional context affects party behavior, and therefore if parties choose to adapt or subvert the democratic rules of the game. De Zeeuw (2008) adds that different factors can facilitate or hinder political change: motivation and structured leadership are key. He distinguishes between rebel groups organized in autonomous cell structures, which will have more difficulty to turn into political parties after war, rebel groups with a centralized and personalized decision making methods, which are less successful in their postwar transformation, and groups with decentralized, open and collective decision making processes, those best fit to transforming into political parties. However, the type of conflict settlement, the domestic and regional political and security context, as well as the role played by international actors are equally important.

### **5.3 Beyond formal structures: the relationship with civilians**

Kasfir critiques Olson’s metaphor as “beguiling but an overgeneralization: all insurgents who hold territory are “stationary bandits,” but not all of them form civilian governments” (Kasfir, 2008: 3), but nevertheless bases his definition on Olson’s insights about territoriality. Kasfir tries to understand why organizations vary so greatly in their relations with civilians living in territories that they control. He believes that insurgents choose to form civilian governments only when they believe it will help them win. Once they make their commitment however, other factors such as civilian response come into play. Taking the case of the National Resistance Army (NRA) in Uganda to study its relationship with the civilian population strategy, Kasfir concludes that coercion is a central tool for insurgents when they aim to take control of a territory, but once the rebel group gains control, an overreliance on coercive means will be detrimental and will limit its ability to obtain popular support (Kasfir, 2005). While several scholars argue that many civilians give voluntarily to rebels, he infers that civilian motivations for aiding the rebels are mixed: “most peasants

probably felt an underlying sense of coercion, even if they were not open about it", since all of their activity was under surveillance by the NRA (2005: 285).

Mampilly also believes that "the most important challenge for insurgency is how to resist the brutal efficiency of coercive tools if they hope to mobilize civilians behind their cause" (2011:50). Schlichte's (2009) central argument is that armed groups need to gain legitimacy in order to turn the power of violence into legitimate rule. While many analyzes focusing on the violence of rebel groups have reduced a highly complex political organization to its criminal components, Schlichte looks at the broader set of interactions that insurgents engage in with local communities. He argues that rebel organizations are constantly negotiating the contradictions between their social legitimacy and the violence they use. Successful groups are those which are capable of overcoming the "shadow of violence", even becoming state founders, more or less formally: "converting military power into rule is their ultimate task. The success of armed groups in these attempts differs enormously" (2009: 14).

Rebel organizations must therefore seek support: "persuad[ing] local inhabitants to give support voluntarily means that guerrillas must either adapt their message to local beliefs, or educate civilians to change their preferences" (Kasfir, 2005: 281). In order to do so they use certain techniques and strategies such as warrior habitus, collective interpretations of violence, and individual experiences of violence. Their rhetoric using heroic tales, symbols, speeches, and sophisticated doctrines are useful for convincing people of the legitimacy of violence (Schlichte, 2009: 65). The insurgents must also adapt to the civilian response "an ideology may provide direction, but its imperatives often have to be modified as guerrillas learn how to stay alive and how to use their immediate environment" (Kasfir, 2005: 34). Rebels must adapt to the population and need to seek their support. Civilians are rarely only victims in war zones, they are neither passive nor invisible and can sometimes even manipulate rebel governance. Discontented civilians can pose a number of challenges to the rebel command: noncompliance with insurgent directives, autonomous CSOs expressing discontent, covert or overt collaboration with the state, sabotage actions and even formation of local militias (Mampilly 2011: 67). Just like sovereign governments, rebels must negotiate with civilians in exchange for their loyalty and in order to 'appear' legitimate.

The struggle for legitimacy of rebel rulers in the eyes of the civilian population does not only play out at the local level. Rebel movements increasingly seek support, both symbolic and material, for their cause at the international level. Through such dynamics of "extraversion" (Bayart, 1999), the local and international dimensions of rebel rule are interlinked, as the case of Darfur paradigmatically shows (Jumbert and Lanz, 2013). As Schlichte notes, "on the level of discourses, the speeches and writings of insurgents have been part of one global discursive field in which armed groups themselves not only participated, but they also shaped self-perceptions and reactions by various international actors, ranging from single governments to churches, NGOs, and

major international institutions like the UN” (2009: 197). Some armed groups gain, he adds, “such a high degree of international legitimacy that their struggle to turn firepower into political domination cannot be blocked from outside” (Ibid.).

In other words, rebels, like any social or political group, and regardless of their degree of territorial control in the areas they ‘govern’, do not operate in a social and political vacuum. They are entangled in complex “figurations” of power, following Schlichte’s use of the concept developed by Norbert Elias, that alternatively restrict, support or shape their ability to ‘rule’, and they cannot simply impose their will or that of their movement. In particular, they have to take into account demands from three sectors: from below (i.e. from civilian populations in the areas under their control); from within (i.e. they are always confronted with risks of rebellions from within the movement itself); from above (i.e. from the international community).

In other words, the key variable in understanding both the dynamics of rebel governance and the variations between the forms it may take as well as its extent is legitimacy, understood not as a norm but as “an empirical phenomenon” depending on “people’s beliefs, perceptions and expectations”, a “particular quality that is conferred upon a social or political entity by those who are subject to it or part of it, thus granting it *authority*” (Bellina et al., 2009). Indeed, the exercise of power by force and violence alone is not sufficient for the establishment of stable political orders. As Max Weber argued, the passage from raw power (*Macht*) to domination (*Herrschaft*) — a type of authority that is based on obedience and recognition rather than sheer physical force — is a central element in state formation processes (Weber, 1947). Research on authoritarian rule and “the rise of semi-authoritarianism” (Ottaway 2003) in the post-Cold War era has thus shown that the durability of such regimes depends not only on their repressive capacity, but also on other elements such as the cohesiveness of party structures (Levitsky and Way 2010) or on their ability to build broad elite coalitions to sustain state power (Slater 2010). Besides, as Béatrice Hibou argues, the “force of obedience” (2011) rests on the way in which authoritarian regimes manage to respond to people’s aspiration to a “normal life” in the context of recurrent crises and the threat of political and military repression.

Beyond the obvious diversity of research on civil wars and ongoing debates, there seems to be a consensus among scholars that considering rebel movements in the post-Cold War era as roving bandits only motivated by their greed for economic and political power has proven to be simplistic and reductionist. Indeed, all attempts at proposing single-cause explanations for the origins, development, success and failure of rebel movements, be it greed, ethnicity, regional disparities, etc., fall short of accounting for the complexity of armed groups as “figurations” (Schlichte, 2009, after Norbert Elias). Studying political and social life *during* conflict is a way of avoiding the trap of reductionism, and this is where the contribution of the emerging literature on rebel governance is most important. However, much as it is misleading to de-politicize the motivations and actions of rebel movements, it would be equally erroneous to automatically consider all of them as ‘natural-born’ civilian rulers. The degree to which rebels engage in the development of a system of civilian rule and a bureaucratic apparatus vary greatly, as does their political legitimacy among the populations they control. Therefore, we need to explore the conditions under which military control by rebels translates (or does *not* translate) into civilian institutions meant to regulate the daily business of social and political life in times of war.

Rebels do not rule by force only, and they do not operate in a social and political vacuum. Although force and the potential use of violence obviously play an important role in rebels’ efforts to control people and territory, they cannot establish sustainable rule through violence and threat alone. In rebel territories, as in any polity, however authoritarian, domination rests on a complex combination of raw power and popular consent (Hibou, 2011) and “rebel leaders must negotiate with civilians in exchange for their loyalty - no easy task as civilian demands frequently involve a variety of different and often competing perspectives” (Mampilly, 2011, p. 9). In other words, we need to understand how, in areas under rebel control, popular consent is manufactured through the day-to-day of political interactions between rebels, civilian populations under their control, and local, pre-existing forms and institutions of civilian rule, including remnants of the central state’s administration. Mampilly (2011) has convincingly argued that rebel governance tends to be more efficient in areas where the state – and other institutions of social regulations such as traditional religious authorities – were stronger and more present prior to the civil war. While there is no direct causality link between the two, this shows how important it is to study the relations between rebel rulers and other forms of public authority. Understanding the historical processes of the institutionalization of political rule is crucial here, both from a very local perspective, as these processes are strongly idiosyncratic, and in view of the dynamics of extraversion (Bayart, 1999) at play in the polity in question.

Research on rebel governance has shown quite convincingly that the ability of rebel movements to transform in to political parties in the post-conflict era depends to a large degree on their success in overcoming the “shadow of violence” (Schlichte, 2009) that their very existence as armed



movements generates by constructing their own legitimacy with regard to civilian population and establishing institutions of civilian rule. However, this question has thus far been addressed mostly around the rebel movements themselves: can they transform into state-builders, both during and especially after the end of a violent conflict? This is of course central, and the transition from rebel movements to political parties is a key element of a sustainable transition from war to peace. However, there is a need to broaden the scope of reflection to the overall claims and grievances that rebels mobilize in order to legitimize their actions.

In other words, we need to look at how the symbolic and material aspects of rebel rule 'survive' the end of hostilities, especially in formerly rebel-held territories, and how this impacts long-term state formation processes. This is important at two levels. First, while a focus on rebel governance allows for a more in-depth and complex understanding of the political processes at play during violent conflict, the cultures of power developed in rebel held territories, and especially the role of violence as a repertoire of rule, need to be taken into consideration, not only during civil wars, but beyond, as countries engage on the bumpy road following the end of open military hostilities. For instance, the return to violent fighting in South Sudan in December 2013, two years after the country's hard-won independence and as a consequence of split with the SPLM/A can be linked to the resilience of a culture of violence, whereby fighting is the privileged mode of 'conflict resolution' (de Vries and Justin, 2014).

Secondly, as mentioned throughout this paper, narratives of economic, social, political and cultural marginalization are often key in rebels' strategies of legitimation and in establishing rebel rule. The 'manufacture of consent' by rebels is thus based on the mobilization of grievances against the state and the promises by rebels to address them. Studying these narratives and analyzing how and to what extent they continue to shape the post-war period both in terms of discourse and in terms of concrete policies, or how they continue to shape the "images" and "practices" of the state (Migdal and Schlichte, 2005), is key to understanding the relations between war and state formation.

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swisspeace was founded in 1988 as the “Swiss Peace Foundation” with the goal of promoting independent peace research in Switzerland. Today swisspeace engages about 40 staff members. Its most important clients include the Swiss Federal Department of Foreign Affairs (FDFA) and the Swiss National Science Foundation. Its activities are further assisted by contributions from its Support Association. The supreme swisspeace body is the Foundation Council, which is comprised of representatives from politics, science, and the government.

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